

91st Legislative Session – 2016

Committee: House Judiciary

Monday, February 08, 2016

P - Present
E - Excused
A - Absent

Roll Call

E DiSanto
P Gibson
P Haugaard
P Hunt
P Johns
E Killer
P Langer
P Latterell
P Peterson (Kent)
E Russell
P Westra
P Stevens, Vice-Chair
P Mickelson, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Mark Mickelson, Chair.

MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 5, 2016

Moved by: Hunt
Second by: Peterson (Kent)
Action: Prevailed by voice vote.

HB 1135: establish venue for certain actions arising out of real property lease agreements.

Presented by: Representative Jensen (Alex)
Proponents: David Lust, self, telephone testimony

MOTION: DO PASS HB 1135

Moved by: Stevens
Second by: Latterell
Action: Prevailed by roll call vote. (10-0-3-0)

Voting Yes: Gibson, Haugaard, Hunt, Johns, Langer, Latterell, Peterson (Kent), Westra, Stevens, Mickelson

Excused: DiSanto, Killer, Russell

MOTION: PLACE HB 1135 ON CONSENT CALENDAR

Moved by: Langer
Action: Died for lack of a second.

HB 1166: revise certain provisions regarding the penalty for identity theft while using an unauthorized credit card.

Presented by: Representative Haugaard
Proponents: Lindsey Riter-Rapp, SD Association of Criminal Defense Attorneys
Opponents: Paul Bachand, States Attorney Association
Curtis Everson, South Dakota Bankers Association
Dean Krogman, Independent Community Bankers of SD

MOTION: DEFER HB 1166 TO THE 41ST LEGISLATIVE DAY

Moved by: Stevens
Second by: Johns
Action: Prevailed by roll call vote. (8-2-3-0)

Voting Yes: Gibson, Hunt, Johns, Langer, Peterson (Kent), Westra, Stevens, Mickelson

Voting No: Haugaard, Latterell

Excused: DiSanto, Killer, Russell

HB 1192: prohibit certain inquiries during a public employment application process about an applicant's criminal history and to provide a penalty for a violation thereof.

Presented by: Representative McCleerey
Proponents: Nick Heinecke, self - telephone testimony
Mark Anderson, SD AFL-CIO

Opponents: Ellen Zeller, SD Bureau of Human Resources
Lori Martinec, SD Municipal League

MOTION: DEFER HB 1192 TO THE 41ST LEGISLATIVE DAY

Moved by: Johns
Second by: Westra
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1192

Moved by: Gibson
Second by: Langer
Action: Failed by roll call vote. (2-7-4-0)

Voting Yes: Gibson, Langer

Voting No: Haugaard, Hunt, Johns, Peterson (Kent), Westra, Stevens, Mickelson

Excused: DiSanto, Killer, Latterell, Russell

THE ORIGINAL MOTION TO DEFER HB 1192 TO THE 41ST LEGISLATIVE DAY

Moved by: Johns
Second by: Westra
Action: PREVAILED BY ROLL CALL VOTE. (7-2-4-0)

Voting Yes: Haugaard, Hunt, Johns, Peterson (Kent), Westra, Stevens, Mickelson

Voting No: Gibson, Langer

Excused: DiSanto, Killer, Latterell, Russell

HB 1193: prohibit certain inquiries about criminal records during any initial employment application process and to provide a penalty for a violation thereof.

Presented by: Representative McCleerey

MOTION: TO TABLE HB 1193

Moved by: Langer
Second by: Gibson
Action: Prevailed by roll call vote. (9-0-4-0)

Voting Yes: Gibson, Haugaard, Hunt, Johns, Langer, Peterson (Kent), Westra, Stevens, Mickelson

Excused: DiSanto, Killer, Latterell, Russell

HB 1167: revise certain provisions regarding the use of a suspended imposition of sentence for a misdemeanor and a felony.

Presented by: Representative Haugaard
Proponents: Lindsey Riter-Rapp, SD Association of Criminal Defense Attorneys
Roger Tellinghuisen, South Dakota Trial Lawyers Association
Opponents: Paul Bachand, States Attorney Association

MOTION: DEFER HB 1167 UNTIL WEDNESDAY, FEBRUARY 10, 2016

Moved by: Johns
Second by: Gibson
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Stevens
Second by: Langer
Action: Prevailed by voice vote.

Liz Markley
Committee Secretary

G. Mark Mickelson, Chair